

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - E/S Alliston Dr., *
570' E of the c/l of Ascott Ct. * DEPUTY ZONING COMMISSIONER
(13502 Alliston Drive) *
11th Election District * OF BALTIMORE COUNTY
6th Councilmanic District *
Robert W. Hayden, et ux * Case No. 96-355-SPHA
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 13502 Alliston Drive, located in the vicinity of Carroll Manor Road in Baldwin. The Petitions were filed by the owners of the property, Robert W. and Kathleen E. Hayden. The Petitioners seek approval of an in-law addition to the existing dwelling and to amend the Final Development Plan of Manor's Choice, Lot 11, thereof, accordingly. In addition to special hearing approval, the Petitioners seek relief from Section 1A04.3B.3 of the Baltimore County Zoning Regulations to permit a side yard setback of 37 feet in lieu of the minimum required 50 feet, for the proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Robert Hayden, property owner, and Geoffrey Schultz, Professional Engineer with McKee and Associates, Inc, who prepared the site plan for this property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 1.3568 acres, more or less, zoned R.C.5, and is improved with a two-story single family dwelling. The Petitioners are desirous of

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

constructing a one-story addition on the south side of the dwelling to create an in-law apartment for Mrs. Hayden's mother, Ms. Jean O'Shea. Testimony indicated that it is necessary for Ms. O'Shea to live with family members and the Petitioners would like to provide separate living quarters for Ms. O'Shea so that while living with her family she can remain independent. Due to the irregular shape of the lot and the location of existing improvements thereon, the requested variance is necessary. Mr. Hayden testified that he has discussed the proposed addition with his neighbors and no one has voiced any opposition to the proposed in-law apartment for Ms. O'Shea.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing relief and variance are not granted. It has been

established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of April, 1996 that the Petition for Special Hearing to approve an in-law addition to the existing dwelling and to amend the Final Development Plan of Manor's Choice, Lot 11, thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3B.3 of the Baltimore County Zoning Regulations to permit a side yard setback of 37 feet in lieu of the minimum required 50 feet, for the proposed addition (in-law apartment), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special hearing relief granted herein is limited to Ms. Jean O'Shea. In the event Ms. O'Shea

ORDER RECORDED FOR FILING

Date

By

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 26, 1996

Mr. & Mrs. Robert W. Hayden
13502 Alliston Drive
Baldwin, Maryland 21013


RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
E/S Alliston Drive, 570' E of the c/l of Ascott Court
(13502 Alliston Drive)
11th Election District - 6th Councilmanic District
Robert W. Hayden, et ux - Petitioners
Case No. 96-355-SPHA

Dear Mr. & Mrs. Hayden:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Geoffrey C. Schultz, McKee & Associates, Inc.
5 Shawan Road, Hunt Valley, Md. 21030

People's Counsel

✓ File

MICROFILMED



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 13502 Alliston Drive

96-355-A

which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the construction of an in-law addition to an existing single family dwelling, and to amend the FDP of Manor's Choice, Lot 11.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Robert W. Hayden

(Type or Print Name)

Signature

Kathleen E. Hayden

(Type or Print Name)

Signature

13502 Alliston Drive 234-0355

Address

Phone No.

Baldwin, Maryland 21013

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Geoffrey C. Schultz
McKee & Associates, Inc. 527-1555

5 Shawan Road, Hunt Valley, MD 210

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE 3/18/96

#351

MICROFILMED



MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

March 15, 1996

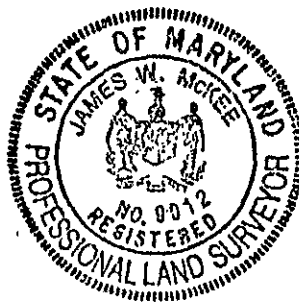
96-355-A

**ZONING DESCRIPTION FOR
13502 ALLISTON DRIVE**

Beginning at a point on the east side of Alliston Drive (50 feet wide) at the distance of 570 feet east of the centerline of Ascot Court (50 feet wide). Being Lot 11 in the subdivision of Manor's Choice as recorded in Baltimore County Plat Book No. 64, folio 75, containing 1.3568 acres.

Also known as 13502 Alliston Drive and located in the 11th Election District and Sixth Councilmanic District.

file: wpwin/gcs/9608des



351

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-355-A

District 11th

Posted for: April 19, 1996 Hearing

Date of Posting

4/2/96

Petitioner: Robert W. Hayden, et al

CASE No. 96-355-A

Location of property: 13502 Alliston Drive

Location of sign: Driveway and rear mailbox

Remarks:

Posted by

[Signature]
Signature

Date of return:

Number of Signs:

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-355-A

(Item 351)

13502 Allston Drive,

ES Allston Drive, 570' E of

Ascent Court

Tim Election District

6th Councilmanic

Legal Owner(s):

Robert W. Hayden and Kath-

leen E. Hayden

Special Hearing: to approve the construction of an in-law addition to an existing single family dwelling and to amend the FOP of Mayor's Choice, Lot 11, Variance to permit a side yard setback of 37 feet in lieu of the minimum required 50 feet.

Hearing: Friday, April 19, 1996 at 9:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

4057 April 4

C41920

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/4, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/4, 1996.

THE JEFFERSONIAN,

A. H. Amick
LEGAL AD. - TOWSON

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 351 Petitioner: Robert W. Hayden

Location: 13502 Alliston Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert W. Hayden

ADDRESS: 13502 Alliston Drive

Baldwin, Md. 21013

PHONE NUMBER: 234-0355



Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1"= _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____

acreage square feet

public private
SEWER: ☐ ☐

WATER: ☐ ☐

yes no
Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

TO: PUTUXENT PUBLISHING COMPANY
April 4, 1996 Issue - Jeffersonian

Please forward billing to:

Robert W. Hayden
13502 Alliston Drive
Baldwin, MD 21013
234-0355

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-355-A (Item 351)
13502 Alliston Drive
E/S Alliston Drive , 570' E of c/l Ascott Court
11th Election District - 6th Councilmanic
Legal Owner: Robert W. Hayden and Kathleen E. Hayden

Special Hearing to approve the construction of an in-law addition to an existing single family dwelling and to amend the FDP of Manor's Choice, Lot 11.
Variance to permit a side yard setback of 37 feet in lieu of the minimum required 50 feet.

HEARING: FRIDAY, APRIL 19, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

96-355

P-051-615-000

ACCOUNT

DATE

7/14/96

AMOUNT \$135.00

RECEIVED

Mc ... \$135.00

FROM:

010 - ... STU

FOR:

030 - ... STU

VALIDATION OR SIGNATURE OF CASHIER

96/100213/PM/03 10-76

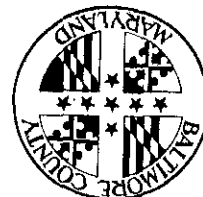
5.00

DISTRIBUTION

PINK - AGENCY

YELLOW - CUSTOMER

WHITE - CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 29, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-355-A (Item 351)

13502 Alliston Drive
E/S Alliston Drive, 570' E of c/1 Ascott Court
11th Election District - 6th Councilmanic
Legal Owner: Robert W. Hayden and Kathleen E. Hayden

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Variance to permit a side yard setback of 37 feet in lieu of the minimum required 50 feet.

HEARING: FRIDAY, APRIL 19, 1996 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Robert W. Hayden
Geoffrey C. Schultz

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 12, 1996

Mr. and Mrs. Robert Hayden
13502 Alliston Drive
Baldwin, Maryland 21013

RE: Item No.: 351
Case No.: 96-355-A
Petitioner: Robert Hayden, et ux

Dear Mr. and Mrs. Hayden:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 28, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

RECORDED



John Alexander

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: April 5, 1996

FROM: *(Signature)* Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
For April 8, 1996
Item Nos. 351, 352, 354, 359, 360 & 361

The Development Plans Review Division has reviewed the subject zoning item, and we have no comment.

RWB:HJO:jrb

cc: File

ZONE5A

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APR. 01, 1996

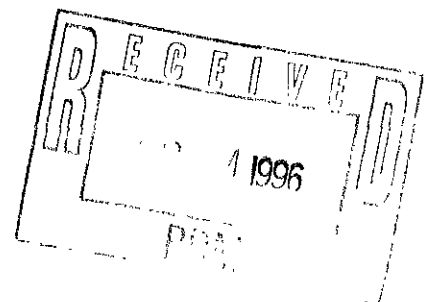
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 351, 352, 354, 355, 356,
357, 358, 359, 360 AND 361. ⁹



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

MICROFILMED



cc: File
Printed with Soybean Ink
on Recycled Paper



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

3-29-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 351 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: March 28, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 13502 Alliston Drive

INFORMATION:

Item Number: 351

Petitioner: Hayden Property

Property Size: _____

Zoning: RC-5

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Pursuant to Section 1B01.3A.7.b(1) of the BCZR, the Director of the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article.(1B) and other provisions of the CMDP.

Prepared by: Jeffrey W. Long

Division Chief: Sam L. Kerns

PK/JL

RECEIVED

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
13502 Alliston Drive, E/S Alliston Dr.,	*	ZONING COMMISSIONER
570' E of c/l Ascott Court, 11th		
Election District, 6th Councilmanic	*	OF BALTIMORE COUNTY
Robert and Kathleen Hayden	*	CASE NO. 96-355-SPHA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April, 1996, a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21031, representative for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

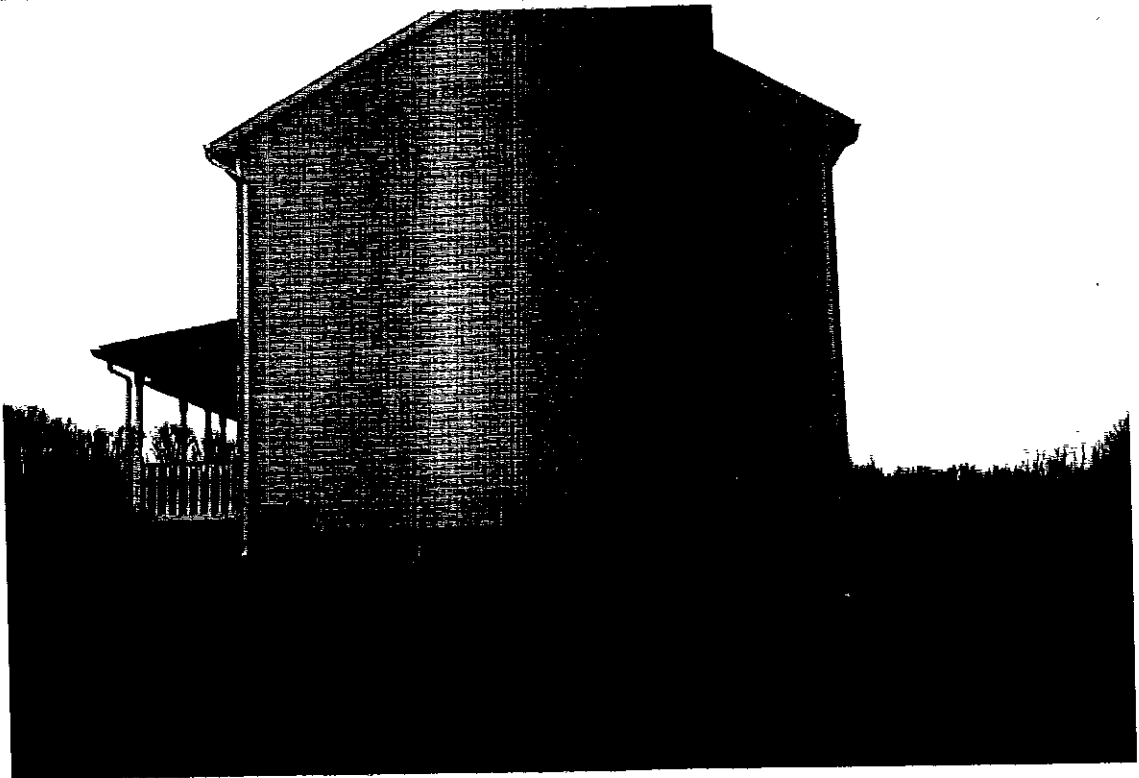
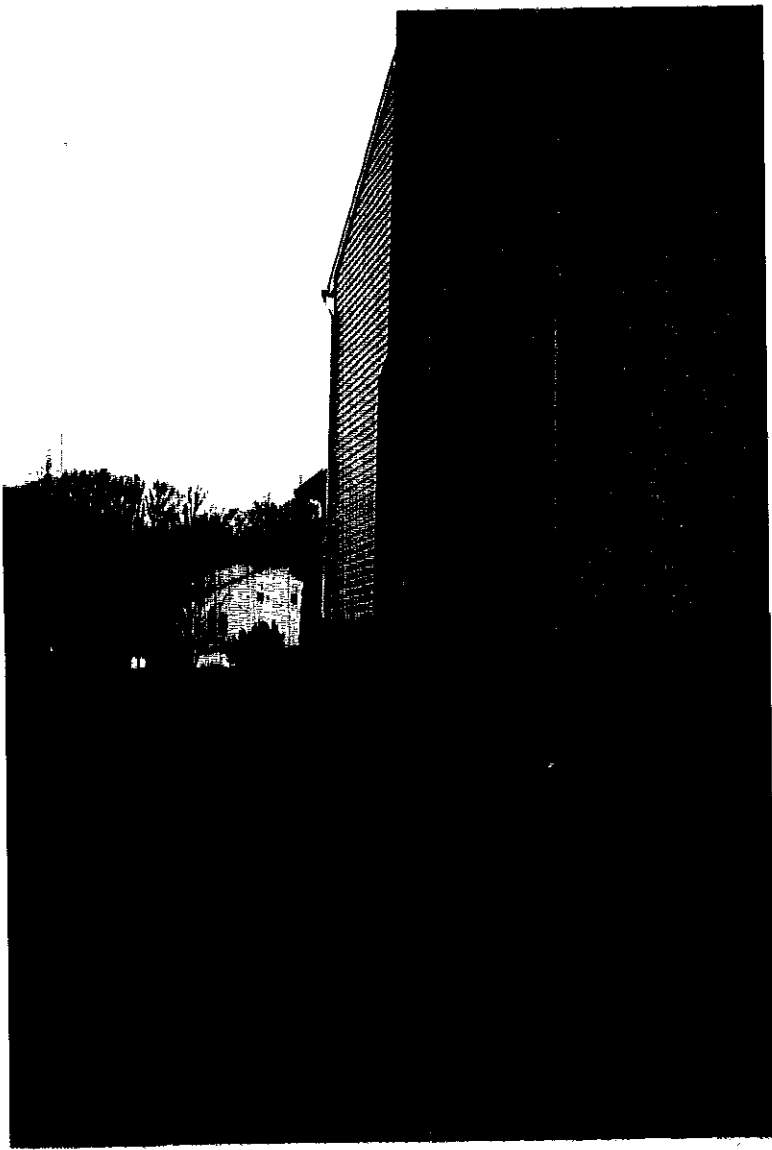
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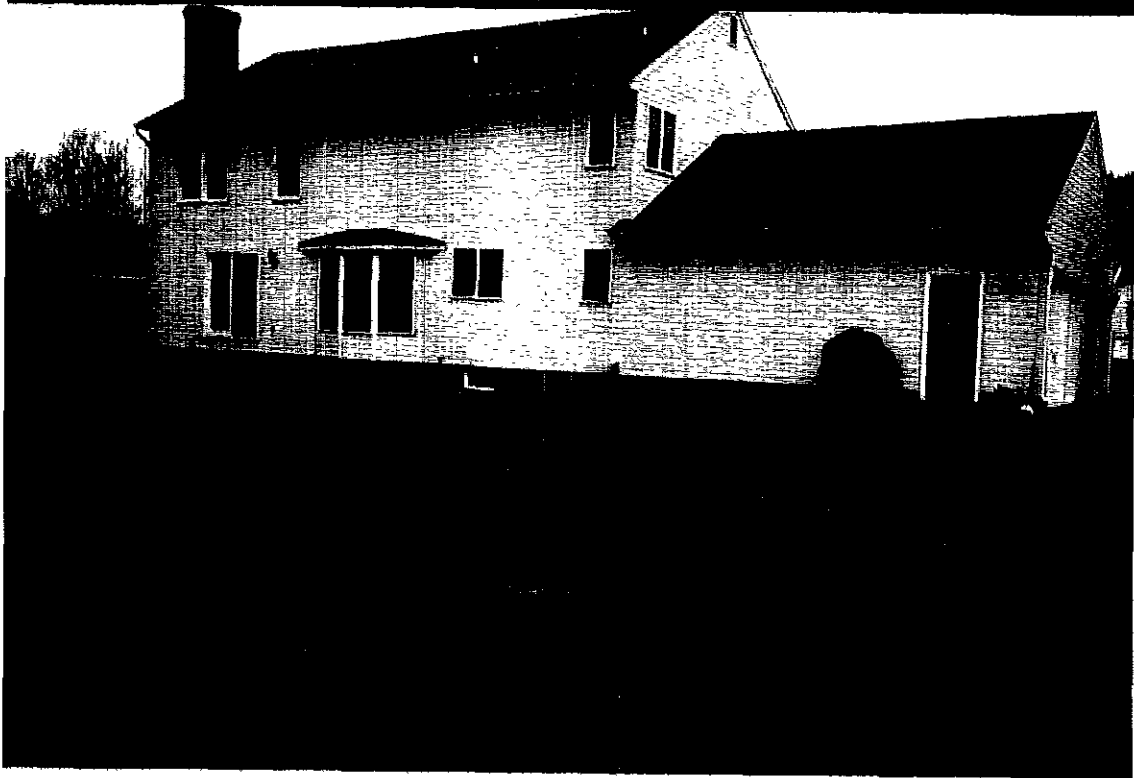
Petitioner's
Exhibits

2A-20

96-355-A

MICROFILMED

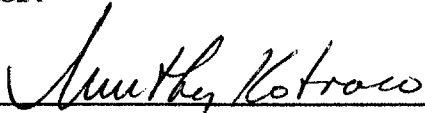




no longer resides with the Petitioners, then the use of the in-law apartment shall cease and terminate.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 4/26/94
By [Signature]

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - E/S Alliston Dr., 570' E of the c/l of Ascot Ct. (13502 Alliston Drive) 11th Election District 6th Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 96-355-SPHA

Robert W. Hayden, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 13502 Alliston Drive, located in the vicinity of Carroll Manor Road in Baldwin. The Petitions were filed by the owners of the property, Robert W. and Kathleen E. Hayden. The Petitioners seek approval of an in-law addition to the existing dwelling and to amend the Final Development Plan of Manor's Choice, Lot 11, thereof, accordingly. In addition to special hearing approval, the Petitioners seek relief from Section 1A04.3B.3 of the Baltimore County Zoning Regulations to permit a side yard setback of 37 feet in lieu of the minimum required 50 feet, for the proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

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Testimony and evidence offered revealed that the subject property consists of 1.3568 acres, more or less, zoned R.C.5, and is improved with a two-story single family dwelling. The Petitioners are desirous of

constructing a one-story addition on the south side of the dwelling to create an in-law apartment for Mrs. Hayden's mother, Ms. Jean O'Shea. Testimony indicated that it is necessary for Ms. O'Shea to live with family members and the Petitioners would like to provide separate living quarters for Ms. O'Shea so that while living with her family she can remain independent. Due to the irregular shape of the lot and the location of existing improvements thereon, the requested variance is necessary. Mr. Hayden testified that he has discussed the proposed addition with his neighbors and no one has voiced any opposition to the proposed in-law apartment for Ms. O'Shea.

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- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing relief and variance are not granted. It has been

established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.2.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of April, 1996 that the Petition for Special Hearing to approve an in-law addition to the existing dwelling and to amend the Final Development Plan of Manor's Choice, Lot 11, thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3B.3 of the Baltimore County Zoning Regulations to permit a side yard setback of 37 feet in lieu of the minimum required 50 feet, for the proposed addition (in-law apartment), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special hearing relief granted herein is limited to Ms. Jean O'Shea. In the event Ms. O'Shea

no longer resides with the Petitioners, then the use of the in-law apartment shall cease and terminate.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kozroco
TIMOTHY M. KOZROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 4/26/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/26/96
By [Signature]

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Date 4/26/96
By [Signature]

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Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 26, 1996

Mr. & Mrs. Robert W. Hayden
13502 Alliston Drive
Baldwin, Maryland 21013

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
E/S Alliston Drive, 570' E of the c/l of Ascot Court
(13502 Alliston Drive)
11th Election District - 6th Councilmanic District
Robert W. Hayden, et ux - Petitioners
Case No. 96-355-SPHA

Dear Mr. & Mrs. Hayden:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kozroco
TIMOTHY M. KOZROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Geoffrey C. Schultz, McKee & Associates, Inc.
5 Shawan Road, Hunt Valley, Md. 21030

People's Counsel

File

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 13502 Alliston Drive
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the construction of an in-law addition to an existing single family dwelling and to amend the FDP of Manor's Choice, Lot 11.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zip

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zip

Legal Owner(s):

Robert W. Hayden

(Type or Print Name)

Signature

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

APRIL JABLON, DIRECTOR

For newspaper advertising:

From Ball 351 Petitioner: Robert W. Hayden
Location: 13502 Alliston Drive
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Robert W. Hayden
ADDRESS: 13502 Alliston Drive
Baltimore, MD 21013
PHONE NUMBER: 284-0255

TO: FUTURE PUBLISHING COMPANY
April 4, 1996 Issue - Jeffersonian

Please forward billing to:

Robert W. Hayden
13502 Alliston Drive
Baltimore, MD 21013
284-0255

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-355-4 (Item 351)

13502 Alliston Drive
5/8 Alliston Drive, 570' E of c/l Ascott Court
11th Election District - 6th Councilmanic
Legal Owner: Robert W. Hayden and Kathleen E. Hayden

Special Hearing to approve the construction of an in-law addition to an existing single family dwelling and to amend the FUP of Manor's Choice, Lot 11.
Variance to permit a side yard setback of 37 feet in lieu of the minimum required 50 feet.

HEARING: FRIDAY, APRIL 19, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 29, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-355-4 (Item 351)

13502 Alliston Drive
5/8 Alliston Drive, 570' E of c/l Ascott Court
11th Election District - 6th Councilmanic
Legal Owner: Robert W. Hayden and Kathleen E. Hayden

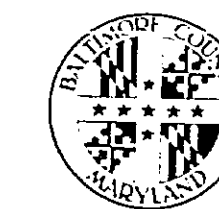
Special Hearing to approve the construction of an in-law addition to an existing single family dwelling and to amend the FUP of Manor's Choice, Lot 11.
Variance to permit a side yard setback of 37 feet in lieu of the minimum required 50 feet.

HEARING: FRIDAY, APRIL 19, 1996 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Robert W. Hayden
Geoffrey C. Schultz

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE, ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 12, 1996

Mr. and Mrs. Robert Hayden
13502 Alliston Drive
Baltimore, Maryland 21013

RE: Item No.: 351
Case No.: 96-355-A
Petitioner: Robert Hayden, et ux

Dear Mr. and Mrs. Hayden:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 28, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: April 5, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
For April 5, 1996
Item Nos. 351, 352, 354, 359, 360 & 361

The Development Plans Review Division has reviewed the subject zoning item, and we have no comment.

RWB:ILM:jrb

cc: File

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APR. 01, 1996

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 351, 352, 354, 355, 359, 357, 358, 359, 360 AND 361.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office. PHONE 887-4881, MS-1102F

cc: File
Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 351 (JWF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: March 28, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 13502 Alliston Drive

INFORMATION:

Item Number: 351

Petitioner: Hayden Property

Property Size: _____

Zoning: RC-5

Requested Action: Variance

Hearing Date: 4/1

SUMMARY OF RECOMMENDATIONS:

Pursuant to Section 1801.3A.7.b(1) of the BCZR, the Director of the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article (1B) and other provisions of the CHDP.

Prepared by: Jeffrey M. Long

Division Chief: Gary L. Kern

PK/JL

RE: PETITION FOR SPECIAL HEARING
 PETITION FOR VARIANCE
 13502 Alliston Drive, R/S Alliston Dr.,
 570' E of c/i Ascott Court, 11th
 Election District, 6th Councilmanic
 Robert and Kathleen Hayden
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 CASE NO. 96-355-SPEA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

CAROLE S. DEMILLO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14 day of April, 1996, a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21031, representative for Petitioner.

PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning Variance and Special Hearing

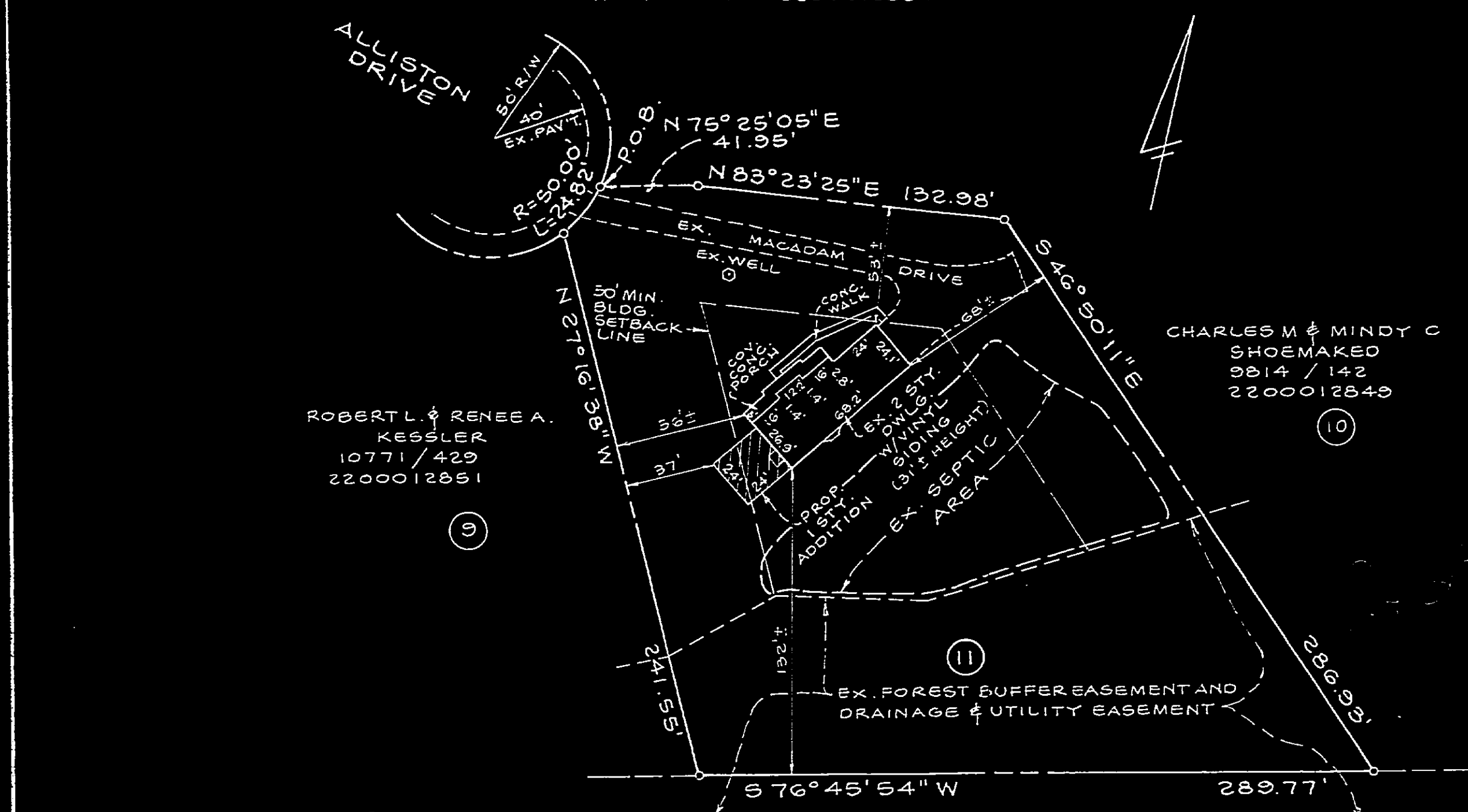
PROPERTY ADDRESS: 13502 ALLISTON DRIVE

Subdivision name: PLAT 1 OF 2 "MANOR'S CHOICE"

plat book # 64 folio # 75 lot # 11 section #

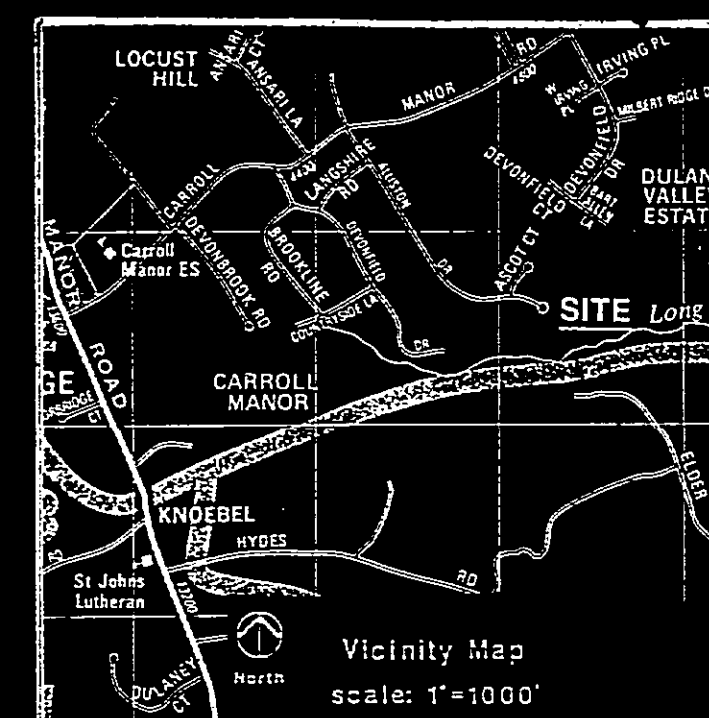
OWNER: ROBERT W. & KATHLEEN HAYDEN

DEED REF.: 9633/517
 TAX ACCT. NO. 2200012850



McKEE & ASSOCIATES, INC.
 CIVIL ENGINEERS - LAND SURVEYORS
 SHAWAN PLACE 5 SHAWAN ROAD
 HUNT VALLEY, MD 21030
 PHONE: (410) 527-1555

Scale of Drawing: 1" = 50' Date: 3-14-96



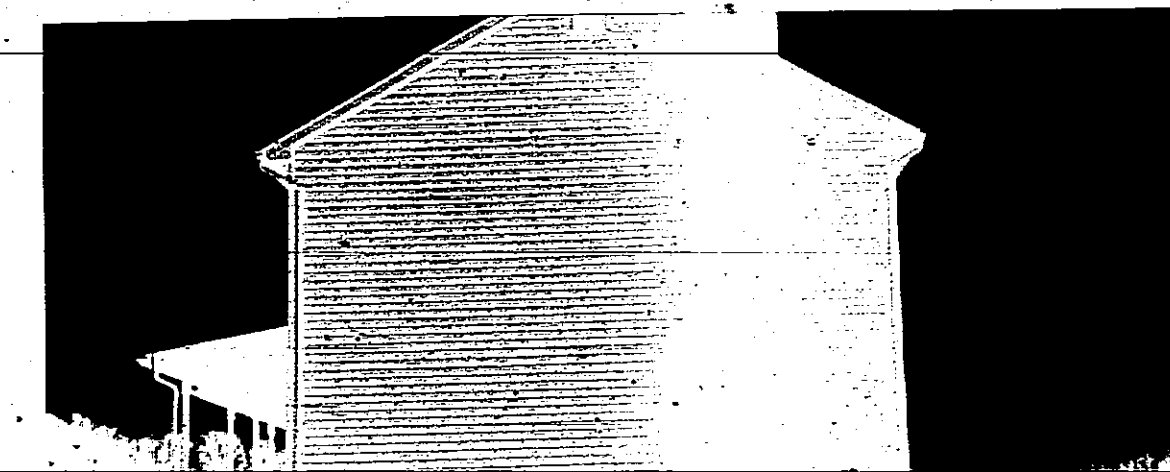
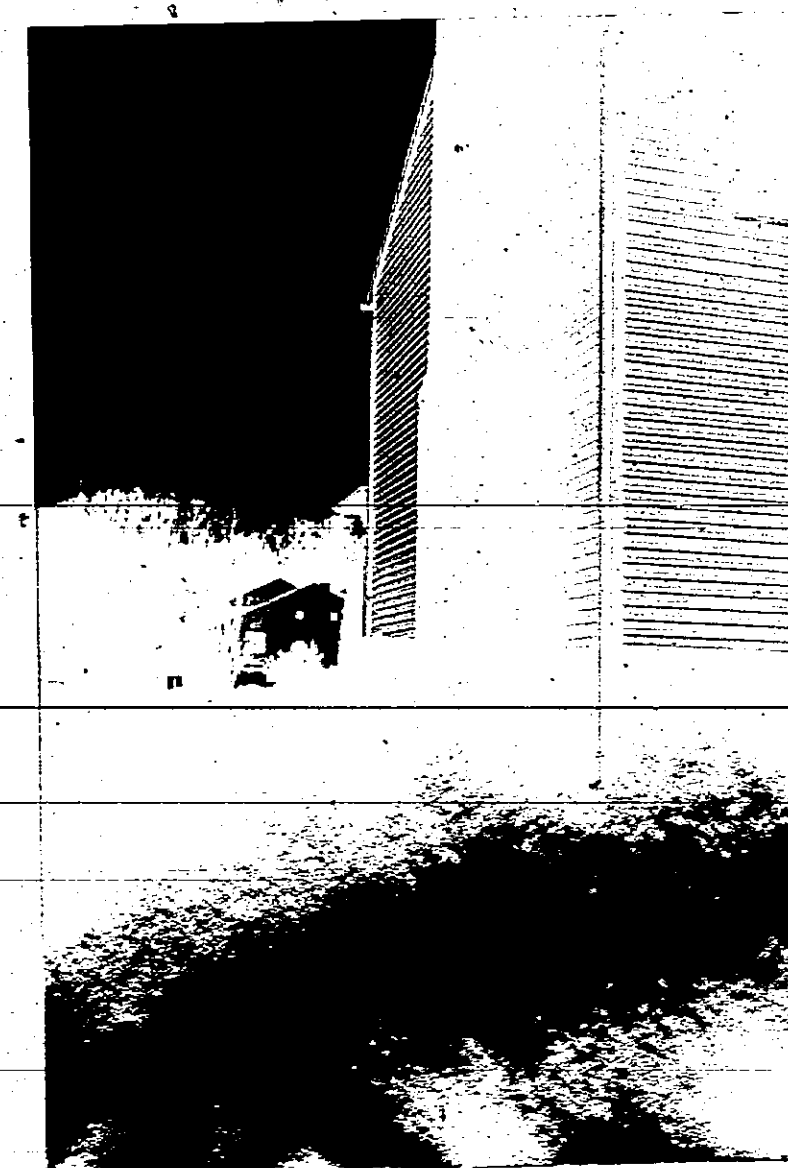
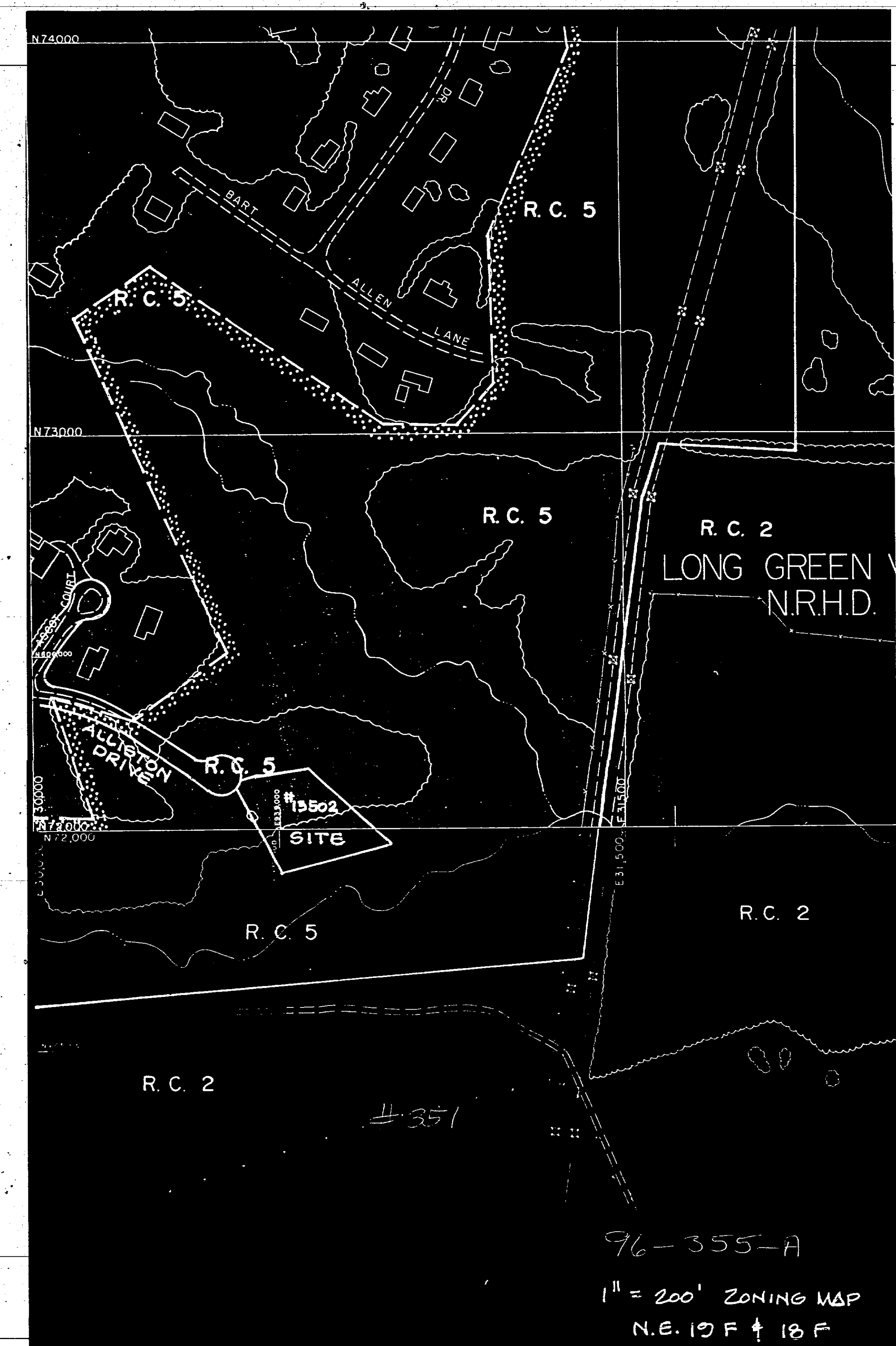
LOCATION INFORMATION

Councilmanic District: G
 Election District: 11TH
 1"=200' scale map: N.E. 19 F & 18 F
 Zoning: R.C. - 5
 Lot size: 1.3566 acreage 59102.308 square feet
 Sewer: ☐ public ☒ private
 Water: ☐ ☒
 Chesapeake Bay Critical Area: ☐ ☒
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

351



Petitioner's
 Exhibits
 3A-3D
 96-355-A